

1 BILL NO. Z-84-

10-09

2 ZONING MAP ORDINANCE NO. Z-

Push

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. 0-6.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a B-3-B (General Business) District under the terms of Chapter
9 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 West 28 feet of Lot 14 Thieme's Addition
11 and the symbols of the City of Fort Wayne Zoning Map No. 0-6, as established
12 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
13 are hereby changed accordingly.

14 SECTION 2. That this Ordinance shall be in full force and effect
15 from and after its passage and approval by the Mayor.

16
17 *Janet G. Bradbury*
18 COUNCILMEMBER

19
20 APPROVED AS TO FORM AND LEGALITY:

21 *Bruce O. Boxberger*
22 BRUCE O. BOXBERGER, CITY ATTORNEY
23
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31
32

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 10-9-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>8</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	_____	_____	<u>✓</u>	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 11-13-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

No 10765

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

8-13

19

84

RECEIVED FROM

Jack Lee

\$

50.00

THE SUM OF

fifty

100

DOLLARS

ON ACCOUNT OF

Reynolds - 1322 E. Berry

RHB

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE Body Shop

THIS IS TO BE FILED IN DUPLICATE

I/We Classie Blewins & Nathan Blewins
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R2 District to a/an B3B District the property described as follows:

Lot no 14 Address 1322 E. Berry St.
Fort Wayne, IN

Lot #14 Tompkins Addition
West 28 ft of Lot 14 Thime's Addition

(Legal Description) If additional space is needed, use reverse side.

(Address) 1322 E. Berry St Fort Wayne, IN Lot No. 14

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Classie Blewins</u>	<u>1322 E Berry St</u>	<u>Nathan Blewins</u>
<u>Nathan Blewins</u>	<u>1322 E Berry St</u>	<u>Classie Blewins</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Classie Blewins 1322 E. Berry St Fort Wayne (219) 4242268
(Name) (Address & Zip Code) 46803 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 9, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-10-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 15, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

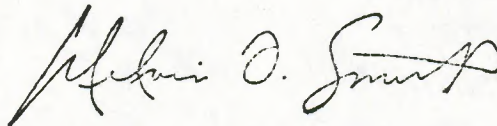
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution heard at the meeting of the Fort Wayne City Plan Commission held October 22, 1984.

Certified and signed this
22nd day of October, 1984.



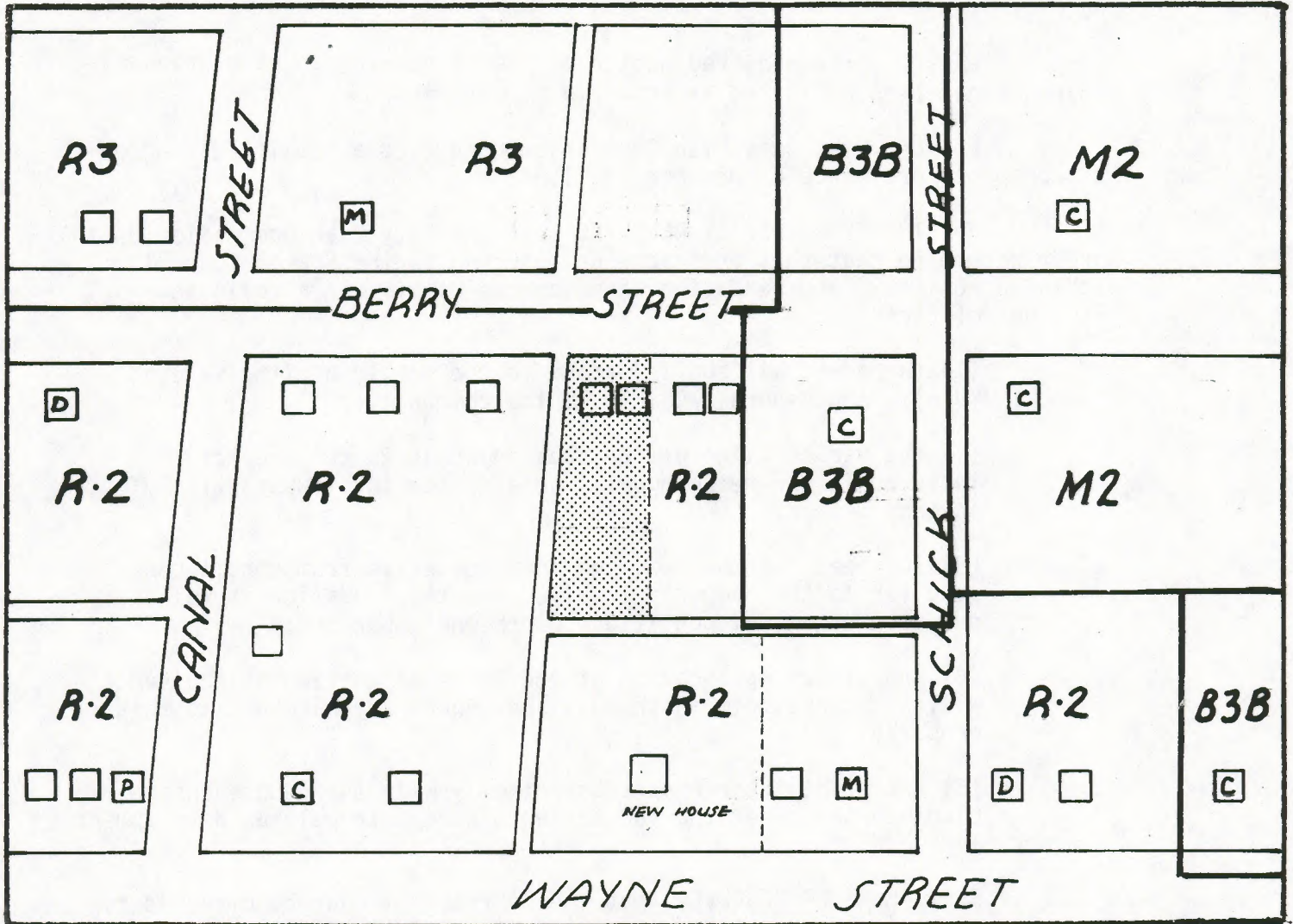
Melvin O. Smith
Secretary

ZONING PETITION-74

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-2 DISTRICT TO A B3B DISTRICT.

MAP NO. 0-6

COUNCILMANIC DISTRICT NUMBER 1



Zoning:

R-2 RESIDENTIAL DISTRICT
R-3 RESIDENTIAL DISTRICT
B3B BUSINESS DISTRICT
M-2 GENERAL INDUSTRY

Land Use:

□ SINGLE FAMILY
□ D DUPLEX
□ M MULTIPLE FAMILY
□ C COMMERCIAL
□ P PUBLIC - CHURCH

Z-84-10-09

- 1 -

Scale: 1" = 100'

MAP NO. 0-6

Date: 9-18-84

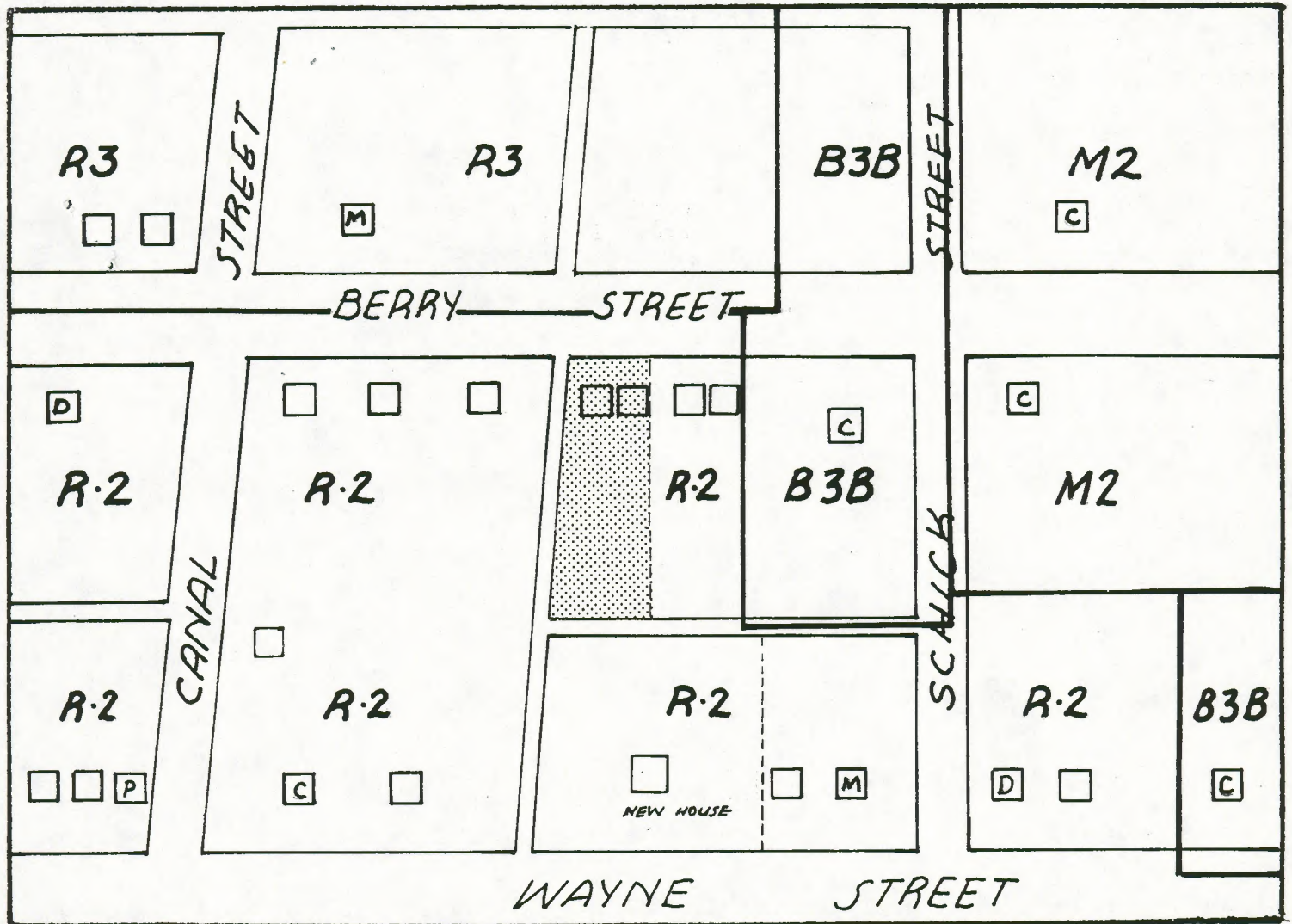


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Land Use:

□ SINGLE FAMILY
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□ M MULTIPLE FAMILY
□ C COMMERCIAL
□ P PUBLIC CHURCH

Z-84-10-09

Scale: 1"=100'

MAP NO. 0-6

Date: 9-18-84



BILL NO. Z-84-10-09

No
E. Berry
Auto Repair

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-6

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do Not PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Janet G. Bradbury
Samuel J. Talarico
Charles B. Redd
Mark E. Giaquinta
James S. Stier

CONCURRED IN 11-13-84
SANDRA E. KENNEDY, CITY CLERK

FACT SHEET

Z-84-10-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

None

REASON

DETAILS

Specific Location and/or Address

1322 E. Berry Street

Reason for Project

Auto Repair Service

Discussion (Including relationship to other Council actions)

October 15, 1984 - Public Hearing

Dock Lee, 1005 Southview Drive stated he wished to run an auto repair service out of a garage located on the property, temporarily.

Ben Eisbart questioned if he were the owner of the property.

Mr. Lee stated he was not, his mother-in-law owned the property.

Mel Smith asked what hours and days he intended to operate.

Mr. Lee stated through the week 8 to 5.

Mr. Smith asked if he intended to do any painting of cars and if so was the building property ventilated for painting.

Mr. Lee stated on occasion he would be painting and that he intended to install a fan.

Mr. Smith questioned what Mr. Lee meant by "temporarily".

Mr. Lee stated that the structure was only a 1½ car garage and he was looking for a larger

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/Proponents

Applicant(s)

Classie Blevins
City Department

Other

Opponents

Groups or Individuals

Alfonso Hines

Basis of Opposition

- devalue property in area
- nuisance business in area
- health hazard

Staff Recommendation

☐ For ☒ Against

Reason Against

- not compatible use with area
- spot zoning
- adverse impact on area

Board or Commission Recommendation

By

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

structure.

David Kiester questioned what the remainder of the property would be used for.

Mr. Lee stated it would stay a residential use.

Mr. Alfonso Hines, 1319 E. Wayne Street appeared in opposition. Mr. Hines stated he had just built a new home directly behind the property in question. He stated that he and his neighbors have been trying to improve the area and this would devalue the property in the area. He stated that this type of business was a health hazard as well creating a home for rats by allowing junk cars to be located on the property. He presented the Commission with a petition in opposition with 15 area residents signatures.

There was no one present who wished to speak in favor or in opposition to the proposed rezoning.

October 22, 1984 - Business Meeting

Site Committee recommended DO NOT PASS for the following reasons:

Reasons:

- 1) Rezoning would adversely affect the residential integrity of the area.
- 2) Rezoning would not be compatible with established planning principles and policies.
- 3) Rezoning would establish precedent for similar cases.
- 4) Its approval would constitute a spot zone.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Motion was made to recommend DO NOT PASS motion carried.

Project Start

Date August 13, 1984

Projected Completion or Occupancy

Date October 22, 1984

Fact Sheet Prepared by
Patricia Biancaniello

Date October 23, 1984

Reviewed by

Date 10/24/84

Gary Barts
Reference or Case Number

6810
ORIGINAL

DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

3-84-10-09

SYNOPSIS OF ORDINANCE West 28 feet of Lot 14 in Thieme's Addition, commonly known as 1322 E. Berry Street.

COUNCILMANIC DISTRICT No. 1

EFFECT OF PASSAGE Property is now zoned R-2 - Two Family Residential. Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____